

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls
v. : Crim. No. 12-494
EDWIN MERCEDES : CONTINUANCE ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by David L. Foster, Assistant U.S. Attorney), and defendant Edwin Mercedes (by Dennis McAlevy, Esq.) for an order granting a continuance of the proceedings in the above-captioned matter, and each of the defendants being aware that he has a right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to an additional continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

2. Defendant has consented to the aforementioned continuance; and

3. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 5 day of December, 2012,

IT IS ORDERED that defense motions shall be filed by December 31, 2012, the government's reply shall be filed by January 31, 2013, oral argument (if necessary) on February 6th 2013, and the trial is scheduled for February 7, 2012; and

IT IS FURTHER ORDERED that the period from December 9, 2012, through February 7, 2013, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(7).



HON. WILLIAM H. WALLS
United States District Judge



David Foster
Assistant U.S. Attorney



Dennis McAlevy
Attorney for Edwin Mercedes